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ALASKA COASTAL MANAGEMENT PROGRAM

EIS SCOPING MEETING

July 25, 2005

Heritage Center  
Barrow, Alaska

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1 PROCEEDINGS

2 MR. SMITH: Well, good afternoon to  
3 everybody. Thank you for coming. I know the weather's  
4 been nice and a lot of people are out of town, but I'd  
5 like to thank you for coming, and I guess we'd also  
6 like to thank Mayor Ahmaogak who I think is going to  
7 try to make it this afternoon as well. We'd like to  
8 thank him for inviting us here.

9 My name is Odin Smith. I'm an attorney  
10 with NOAA, National Oceanic and Atmospheric  
11 Administration. I'm here with Masi Okasaki, who is  
12 with the Office of Ocean and Coastal Resource  
13 Management.

14 And the reason why we're here today is  
15 basically to hear from you about what concerns or  
16 questions you might have about the proposed amendments  
17 to Alaska's Coastal Management Program.

18 I guess before we start, I'm going to  
19 run through a little bit of an introduction to the  
20 environmental impact review process, which is the  
21 process we're following as we review whether or not to  
22 approve these amendments. And then after that we'll  
23 just open it up to anybody who has comments and we'll,  
24 of course, accept written comments as well, so I think  
25 without further ado.....

1                   Our environmental impact review process  
2 is required under the National Environmental Policy  
3 Act, which basically requires that major federal  
4 actions significantly affecting the quality of the  
5 human environment require the federal agency to  
6 evaluate what sort of environmental impacts would be  
7 involved in the proposed action, any adverse  
8 environmental impacts that cannot be avoided, as well  
9 as alternatives to the proposed action, the  
10 relationship between short-term uses and long-term  
11 productivity of resources, and any irreversible  
12 commitment of resources that would be entailed.

13                   The NOAA amendment process basically  
14 involves taking a look at the amendments that are  
15 submitted by the state to its coastal management  
16 program. NOAA first makes a preliminary approval  
17 determination. This is basically for purposes of  
18 continuing funding under the Coastal Zone Management  
19 Act. And then we issue a notice of intent to conduct  
20 an EIS, which is published in the Federal Register to  
21 -- and announce these scoping meetings which are  
22 basically an opportunity for the interested public to  
23 come and offer their questions or comments or concerns.

24

25                   We will be putting out a draft

1 environmental impact statement, and provide a comment  
2 period on that document as well. And we'll be holding  
3 meetings as well as part of that review process.

4                   And then finally we will address the  
5 comments and issue a final environmental impact  
6 statement. And then finally after 30 days we'll  
7 actually make a decision on the proposed action,  
8 whether or not to approve the amendments and issue a  
9 record of decision.

10                   Just very briefly, the Alaska program  
11 amendments involve a couple of statutory changes, and  
12 then also some regulatory changes, and these were  
13 enacted by the State and submitted to NOAA for approval  
14 as part of the program.

15                   Scoping under NEPA, the purpose is  
16 simply to allow an opportunity for the public to  
17 suggest specific issues that should be covered in the  
18 EIS, basically focusing on, one, what the potential  
19 impacts are of the proposed action, and then the  
20 second, what suggested alternatives could be.

21                   UNIDENTIFIED VOICE: There's some  
22 batteries at the store.

23                   MR. SMITH: Alternatives are, of  
24 course, what the environmental impact statement will be  
25 comparing. In this case the basic alternatives before

1 us are under the Federal Coastal Zone Management Act,  
2 are either to approve the amendments as part of the  
3 state's federally approved coastal management program,  
4 or to not approve the amendments.

5                   The outline of the EIS will basically  
6 be an executive summary, an introduction which includes  
7 a discussion of the scoping and public involvement  
8 process. There will be a section on the purpose of the  
9 proposed action and the need for, what alternatives  
10 there are for it, a description of what the program  
11 changes entails, a description of the affected  
12 environment, both physical and socio-economic, and then  
13 the impacts of those alternatives, and then finally a  
14 list of agencies and persons consulted in an index and  
15 appendices.

16                   The draft EIS schedule for these Alaska  
17 Coastal Management Program amendments. Basically this  
18 week we're having scoping meetings. They're scheduled  
19 here in Barrow, and then we'll be having them on  
20 Wednesday in Anchorage and Thursday in Juneau. August  
21 5th will be the close of deadline for comments on  
22 scoping. Certainly anybody who didn't make it to this  
23 meeting or doesn't make it to any of the other ones is  
24 free and encouraged to send in comments in writing as  
25 well and they will be addressed.

1                   The draft environmental impact  
2 statement will be issued, scheduled for August 26th.  
3 It will be issued for 45 days comment period, and then  
4 there will be public hearings held on it in September.  
5 And then the 45-day comment period will end on October  
6 10th of 2005. We're looking to issue the final  
7 environmental impact statement on November 18th for 30  
8 days, and then December 19th adopt the EIS. And by  
9 December 28th actually issue our record of decision and  
10 the program amendment approval decision.

11                   And then finally our point of contact  
12 for this EIS is Helen Bass. She couldn't make it here  
13 today for personal reasons, although she did want to be  
14 here. Her address is up here. I'll just leave this  
15 contact information up while people are speaking.

16                   And then finally at the bottom there is  
17 a web site which has that Alaska program change  
18 document.

19                   MR. A. BROWER: On that web site, is  
20 that (indiscernible, away from microphone) accessible  
21 for comments to -- for Helen?

22                   MR. SMITH: No, I don't -- not through  
23 that web site, although you can send comments to  
24 Helen's e-mail address, which is.....

25                   MR. A. BROWER: Oh, that.....



1 MR. SMITH: Yeah, helen.bass@noaa.gov.  
2 So I think without further ado we'll go ahead and move  
3 to the reason why we're here, which is to hear from  
4 you, and I guess we have a list of people who want to  
5 speak, and if anybody else hasn't signed up or just  
6 came in, we have a sign-in sheet here, and you can  
7 indicate whether you would like to speak or not.

8 MS. OKASAKI: From what we've got on  
9 the list, it looks like there's only one person who  
10 wants to talk. You can change your mind later. I  
11 think we'll have plenty of time here to figure it out.  
12 We have -- we're going to say we have -- everyone will  
13 have five minutes to talk, and that's because we want  
14 to make sure when we go to Anchorage and to Juneau  
15 everybody has the same amount of time. We won't be  
16 watching the clock that closely, but for all intents  
17 and purposes, you have five minutes. So, Mr. Brower,  
18 would you like to (indiscernible).

19 MR. A. BROWER: Is that five minutes  
20 per entity?

21 UNIDENTIFIED VOICE: Arnold wears about  
22 half a dozen different hats, so.....

23 MS. OKASAKI: Okay. Well, just change  
24 hats (indiscernible, away from microphone).....

25 MR. SMITH: Arnold, if we could get you

1 up there, please?

2 MS. OKASAKI: Come on up here, so that  
3 you can be (indiscernible, away from microphone)  
4 please.

5 MR. A. BROWER: You know, I've heard  
6 about extenuating circumstances and things, but in the  
7 communities like in Barrow and coastal communities,  
8 people wear several hats. Several hats. Several  
9 boards. Several entities. Several governments. But  
10 right now I'm going to speak on behalf of Mayor George  
11 Ahmaogak who's the mayor of the North Slope Borough,  
12 and I'm delighted that you folks have come here to hear  
13 our things and.....

14 Good afternoon. My name is Arnold  
15 Brower, Jr. I am here on behalf of the mayor of the  
16 North Slope Borough. I want to talk with you today  
17 about some of the issues you need to consider as you  
18 write the EIS for the proposed amendment to the Alaska  
19 Coastal Management Program.

20 But first I want you to know that the  
21 borough appreciates OCRM holding a scoping meeting here  
22 in Barrow. And it's important to our community,  
23 because it gives us a chance to meet you face to face  
24 and to give you a broad range of local concerns on the  
25 ACMP proposed amendment. At this time it gives you a



1 chance to learn about our people and have better  
2 understanding of what is most important to us and why  
3 we feel the way we do. As you know, the mayor is  
4 roaming the coast at the moment.

5               The North Slope Borough has been a very  
6 active participant in coastal management since the 70s,  
7 1970s. Based on our years of experience, we have  
8 serious concerns about the proposed changes and how  
9 they're going to affect our ability to participate in  
10 the program. This comprehensive overhaul of coastal  
11 management reduces protections we had in the past and  
12 you can be sure it will have significant adverse  
13 impacts to subsistence, habitats, fish and wildlife,  
14 and other coastal resources and uses.

15              A number of new provisions would reduce  
16 local control in managing coastal resources and uses.  
17 Alaska's original program gave us a strong local voice  
18 in coastal management. The proposed changes would  
19 diminish this role by cutting back on mechanisms for  
20 local control. And that's related with the industry  
21 off shore, and those things that are quite prevalent in  
22 our activity this moment.

23              Probably the worst change in this  
24 regard is the creation of new restrictions on coastal  
25 district enforceable policies. Alaska Department of

1 Natural Resources has gone to a lot of trouble to  
2 remove coastal districts from meaningful policy-making.  
3 Their submittal to OCRM on June 21 lays out a complex  
4 set of restrictions on the policies. It seems like  
5 it's written in some sort of code that DNR would  
6 translate for us after the fact. There are lots of  
7 vague terms like adequately address, avoid or minimize,  
8 carve out, and stringent versus specific. It seems to  
9 me like they're trying to get -- trying to bog us down  
10 in a swamp of mushy language so we don't -- won't catch  
11 on to the clear message, the message that coastal  
12 districts are done with making meaningful policies at  
13 the local level.

14 DNR's June 2nd submittal does not tell  
15 you the implications of these new restrictions. To  
16 really understand and respond to DNR's intent, the EIS  
17 has to include an analysis of the state's response to  
18 the draft plans of the North Slope Borough and other  
19 coastal districts. Taking a close look at the document  
20 will make it clear that under the new ACMP, there is no  
21 room for effective district policies. Without these  
22 district policies, coastal resources will be put under  
23 new pressures that will lead to adverse impacts in the  
24 absence of local control. This needs to be  
25 comprehensively addressed in the EIS.

1                   At the moment we have about 100  
2 wellheads that are just storm plugged and now eroding  
3 from Husky's NPRA exploration in the 50s and 60s, and I  
4 tell you one site in Simpson right now, it's the  
5 ugliest mess I've seen on there. And the thing about  
6 it is, it's going to fade away and it's one of the  
7 reasons why the brandts, the stellar eiders are in a  
8 dangerously depleted situation as a stock. As a  
9 species.

10                   Well, where was I? The proposed  
11 changes on the statewide standards would seriously  
12 weaken the current ACMP. In fact the current state  
13 standards have been so effective that it has not been  
14 necessary to enact environmental laws that other  
15 coastal states have had, but if we are saddled with new  
16 statewide standards that give us less protection, less  
17 input, if we don't have all of the environmental laws  
18 that other states fall back on for protection, then  
19 Alaska's coast will be in trouble. Every change to the  
20 ACMP that reduces protections for coastal resources  
21 should have a corresponding discussion in the EIS  
22 describing how other laws will make up for this loss of  
23 protection.

24                   I will mention only a few of the  
25 proposed changes to the statewide standards, but the

1 EIS should investigate the effects of every single  
2 change.

3 DNR has weakened the statewide  
4 subsistence standard so it only applies to areas  
5 designated as important for subsistence use. We are  
6 offended by the description of the subsistence standard  
7 in the June 2nd submittal. This description says the  
8 subsistence standard does not include a provision for  
9 mitigation because a project would never be allowed if  
10 it had effects that need mitigating. This is a  
11 dishonest statement, because development projects on  
12 the North Slope clearly have impacts to subsistence  
13 that merit mitigation.

14 The next item is changes to the  
15 habitats standards are equally troubling. Since the  
16 mid '80s the habitat standards has brought together  
17 applicants, the state and federal agencies and coastal  
18 districts to create mitigation measures that reduce  
19 impacts. But the new standard removes those references  
20 to biological resources, and the DNR has said that only  
21 matters specifically spelled out in the standard may be  
22 considered. In other words, for most types of  
23 habitats, only non-biological matters may be  
24 considered. This makes no sense.

25 Also, districts may only establish

1 enforceable policies for areas that are designated as  
2 important habitat. The regulations impose really  
3 strict limits on establishing these areas. For  
4 example, the regs say there must be a direct connection  
5 between development activities and effects on saltwater  
6 areas. As a result, upland habitats that don't have  
7 saltwater areas will lose protection.

8                   Next is the standard, the new standard  
9 also removes the three-part sequencing process for  
10 approving projects that do not maintain or enhance  
11 habitats. The ability of the stet to address habitat  
12 issues through our agencies should be evaluated in the  
13 EIS, especially in light of the fact that the Office of  
14 Habitat Managements and Permitting has only limited  
15 authority provided by two very narrow statutes.

16                   Each of these changes to the other  
17 statewide standards should be carefully evaluated to  
18 determine how they will affect coastal uses and  
19 resources. This includes the statewide mining  
20 standards which is eliminated the new plan. There are  
21 also changes to the transportation and utilities  
22 standards that deserve close scrutiny.

23                   The removal of matter regulated by the  
24 department of Environmental Conservation from the  
25 consistency review process can be expected to have



1 detrimental effects on resources and uses in Alaska's  
2 coastal zone. In theory, air and water quality issues  
3 can be separated from other coastal management issues,  
4 but in reality air and water quality are fundamentally  
5 connected to subsistence, fish and wildlife, habitats,  
6 and every use or resource of the coastal zone. The  
7 Inupiat people, the American, United States citizens,  
8 the Inupiat people, who have a God also, with  
9 aboriginal rights, recognize these connections, and we  
10 are puzzled by the attempt to separate air and water  
11 quality from other development impacts.

12                   Projects with both a federal permit and  
13 a DEC 401 certification create special problems. It is  
14 not clear in recent project descriptions just what the  
15 scope of review is for the consistency review for such  
16 projects. Without a clear understanding of which  
17 activities are being reviewed, the consistency review  
18 loses its effectiveness.

19                   The state's interpretation of the  
20 statutory changes in the ACMP would remove all air and  
21 water quality issues from the consistency review  
22 process. This will surely harm the environment,  
23 because there are lots of air and water quality matters  
24 not regulated by DEC, including activities in the outer  
25 continental shelf.

1                   The EIS should analyze a variety of  
2 projects recently reviewed by DNR to determine what  
3 aspects of air and water quality are no longer being  
4 addressed, especially in respect to the elimination of  
5 district enforceable policies for these matters.

6                   Review for federal OCS projects present  
7 a number of uncertainties that -- under the proposed  
8 changes to the ACMP. These include the ability of  
9 districts to participate in discussions about  
10 consistency for activities that could affect air and  
11 water quality. An oil spill in offshore waters is the  
12 single most important threat to coastal resources and  
13 uses, especially our subsistence way of life. As a  
14 result of DNR's interpretation of the DEC carve-out,  
15 there would be no opportunity for districts to develop  
16 enforceable policies for these matters even though DEC  
17 does not have any permitting authority for federal  
18 waters. Also, there are no provisions in the  
19 consistency review regulations for districts to comment  
20 on DEC's consistency findings.

21                   The EIS should include a complete  
22 analysis of how state OCS reviews could occur and what  
23 environmental effects might be without district  
24 policies and district participation in the process.  
25 Although DNR has been asked repeatedly to explain how

1 OCS reviews would occur, it has not yet done so. A  
2 real-life project should be selected to determine how a  
3 review would occur rather than a theoretical project.

4                   And, you know, you can think about  
5 those projects in Florida, you know, you -- the  
6 government is aware of sharks, but tourists should be  
7 allowed to swim as much as they want. You know, it's  
8 -- you've got to think of something that really is  
9 going to be -- you know, that takes to human life per  
10 se that comes on voluntary to go out there. But this  
11 is our way of life.

12                   The North Slope Borough has  
13 considerable concerns about now the cumulative impacts  
14 of projects will be managed under the proposed changes  
15 to the ACMP. The concerns include cumulative impacts  
16 of multiple projects as well as the cumulative impacts  
17 of all of the changes to the ACMP. The 2003 National  
18 Research Council report on cumulative impacts on the  
19 North Slope from oil and gas development should be  
20 considered in the EIS, evaluated in light of the  
21 changes to the ACMP, especially with consideration of  
22 new restrictions on district enforceable policies. In  
23 addition, the 2002 report of the United States General  
24 Accounting Office about dismantlement, restoration and  
25 rehabilitation of oil and gas facilities should also be

1 considered. And that's an after-the-fact thing that we  
2 wonder about so much.

3                   During the development of the EIS,  
4 there should be a strong emphasis on involving tribal  
5 governments. Lowell de Gotts (ph), he mentioned that.  
6 This involvement is required in both the EIS  
7 regulations as well as two executive orders. The  
8 executive order by President Bush, reiterated by George  
9 Bush. Clinton and Bush. Bush, Bush. So the issue is  
10 being pushed by Bush. Since districts will not be able  
11 to develop meaningful enforceable policies. Analysis  
12 of impacts to native people should include a comparison  
13 of project effects in areas with local government and  
14 areas outside the organized borough, namely coastal  
15 resource service reviews. To date, there is no  
16 indication that OCRM has even considered a strategy for  
17 environmental justice or government-to-government  
18 consultation.

19                   You know, in that executive order by  
20 President Bush, for the benefit of more self-  
21 determination, it states -- well, maybe we could draw a  
22 boundary of the United States a little bit lower south  
23 some place. But you know that's for, not to neglect  
24 the fact, ICAS, Inupiat Community of the Arctic Slope  
25 has a boundary, and it's not consultant under these

1 things, under these listings from Canada down to the  
2 Norton Sound. The tribal government has a boundary  
3 that size, and not considered, not consulted under the  
4 executive order. We -- I think that, because I am the  
5 president of that tribal government, regional tribal  
6 government, that's why I was asking per entity. Now,  
7 I'm still the same Arnold that stood up, but I still  
8 have another role to play.

9 All of the changes to the ACMP  
10 consistency review process should not -- should be  
11 evaluated in the EIS to determine possible coastal  
12 effects. The evaluation should include changes such as  
13 the 90-day limit for consistency reviews, the addition  
14 of new policies (sic) to the list of expedited reviews,  
15 exclusion of shallow coal bed methane from ACMP  
16 reviews, and the limitation of review projects in areas  
17 outside the coastal zone.

18 The 2003 legislation included intent  
19 language saying that as many projects as possible  
20 should be added to the A or Ba lists without any dis --  
21 without discussion of whether they are routine projects  
22 or coastal impacts. The 2003 legislation also excluded  
23 coal bed methane projects from consistency reviews,  
24 again without any discussion of coastal impacts.

25 The legislation also included (sic) the



1 possibility for reviews of any area inland of the  
2 coastal zone boundary. While the regulation changes  
3 made this spring appear to allow states to review  
4 federal activities no matter where they occur, the  
5 statute conflicts with the regulation change because it  
6 excludes the possibility to review projects inland of  
7 the coastal zone.

8                   In summary, we encourage you to make  
9 sure the EIS takes a comprehensive look at all proposed  
10 changes to determine how they will affect coastal  
11 resources and uses both individually and cumulatively.

12                   My staff and I remain willing to offer  
13 assistance to OCRM in the development of the EIS.

14                   And on behalf of ICAS, I mirror this  
15 comment, but request that extension be allowed to have  
16 the tribal governments impacted to have a purview of  
17 the EIS. And I'm glad he did mention that, because he  
18 has been in my position as president of ICAS before.

19                   And I thank you for the opportunity and  
20 hopeful -- really want you to consider wholeheartedly  
21 our position, because we have to live with the results.  
22 We have to clean up the results if they are continued  
23 here. We're mitigating and cleaning up the Husky oil  
24 at PET IV issues right now. And you -- and, you know,  
25 that this is the first thing -- I asked one of the

1 drillers that used to be at Prudhoe Bay, you know, why  
2 would they abandon something like this and just close  
3 it and he said, it's about -- at the time they were  
4 storm closed. And I asked him, what's a storm close?  
5 It's not a permanent fix. When you abandon a well and  
6 you storm close it, you plug it real good. I think Mr.  
7 Majors over there, Mark probably knows that stuff, but  
8 it's not -- it's closed enough from the top to the  
9 bottom that it's not going to leak oil, but it erodes.  
10 It erodes right up to the cap, the bottom of the cap,  
11 and when that happens, then it blows all over the area.  
12 It's going to go away, but the opportune time is to  
13 look at it while it's there and the kind of damage it's  
14 doing to the habitat and the land and the ocean. It's  
15 going to flow into the ocean. It's flowing to the  
16 ocean. All drainages flow to the ocean.

17 Thank you for being here. Thank you  
18 for giving me some time.

19 MR. SMITH: Thank you for your  
20 comments.

21 MS. OKASAKI: I know somebody from  
22 the....

23 (Applause)

24 MS. OKASAKI: Did you want to talk? I  
25 know you came with (indiscernible, away from

1 microphone). Did you want to speak?

2 MS. HEPA: No, I work for the North  
3 Slope Borough, and I think the mayor's comments will  
4 suffice. I don't have anything to add.

5 MS. OKASAKI: Okay. Did you sign in  
6 here?

7 MS. SNYDER: Yeah.

8 MS. OKASAKI: Okay.

9 MS. SNYDER: I got some testimony.

10 MS. OKASAKI: Okay. Great.

11 MS. SNYDER: I'm going to be speaking  
12 for Maggie Ahmaogak, who is the executive director for  
13 the Alaska Eskimo Whaling Commission. This is a  
14 prepared statement.

15 I am Meda Snyder. I work for the  
16 Alaska Eskimo Whaling Commission as a liaison officer  
17 for the MMS/OCS part of the leasing for AWC.

18 Before turning to the AWC's comments, I  
19 would like to thank the Office of Coastal Resources  
20 Management for holding this scoping meeting in Barrow.

21

22 The environmental review that the  
23 agency is undertaking here has very serious  
24 implications for our community and it is very important  
25 that you hear what our people have to say.

1                   OCRM must identify and evaluate many  
2 issues of this environmental review.

3                   First and foremost, your agency must  
4 evaluate the impacts our subsistence resources, our  
5 hunting, and our culture that will result from the  
6 state of Alaska's decision to centralize coastal  
7 decision-making by effectively reducing input into  
8 coastal management decisions. This includes addressing  
9 the increased risk to the natural and human  
10 environments of the Arctic, as well as to human life,  
11 created by the state's actions.

12                  The Arctic is home to many types of  
13 wildlife: marine mammals, birds, fish, caribou, moose,  
14 bears. Our people have depended on these natural  
15 resources for thousands of years. In our bowhead  
16 subsistence community, we depend especially on the  
17 bowhead whale and our bowhead subsistence hunt, around  
18 which our community has built and sustains its culture  
19 and identity.

20                  Oil and gas development, if not  
21 properly carried out, could easily drive our bowhead  
22 and other subsistence resources away. If this were to  
23 happen, it would be the end of our culture and our  
24 community.

25                  When Congress enacted the Coastal Zone

1 Management Act, it had the special needs of our  
2 community and other local communities in mind. That is  
3 why Congress directed states to provide for the  
4 protection of ecological, cultural and historic assets  
5 in areas of their coast line.

6 Congress also recognized that to  
7 succeed in carrying out this and other directives of  
8 the CZMA, states would need to employ a decentralized,  
9 cooperative process for making coastal management  
10 decisions.

11 That is why Congress directed states to  
12 give timely and effective opportunities for local  
13 government participation in coastal management  
14 decision-making. And that is why Congress defined an  
15 effective coastal management plan as one that  
16 encourages the participation and cooperation of the  
17 public and local governments in carrying out the  
18 purposes of the CZMA.

19 In the CZMA's provisions on nonpoint  
20 source pollution, Congress specifically requires states  
21 to include in their coastal management plans mechanisms  
22 to improve coordination between state and local  
23 officials responsible for land use programs and  
24 permitting, water quality permitting and enforcement,  
25 habitat protection, and public health and safety,



1 through the use of joint project review or similar  
2 mechanisms.

3                   As these statements demonstrate,  
4 Congress recognizes what we all know to be the case.  
5 Local communities and their local governments have the  
6 closest relationship to and the greatest interest in  
7 the ecological, cultural and historic, as well as  
8 economic, assets of their coastal areas. Therefore,  
9 they have the greatest interest in the orderly  
10 development of these coastal areas.

11                   Just as Congress intended, the North  
12 Slope Borough, the AEWC, and other representatives of  
13 our community have worked for more than a quarter of a  
14 century with state and federal agencies, and developers  
15 to carry out Congress's directives for consultation and  
16 cooperation. Through these cooperative efforts, we  
17 have built programs that facilitate the development of  
18 North Slope nonrenewable resources while protecting our  
19 community's nutritionally, culturally and historically  
20 significant subsistence resources and practices.

21                   In fact, by reducing conflicts between  
22 developers and the local community, we have been very  
23 successful in turning environmentally sound development  
24 into a joint industry-community effort.

25                   The CZMA and the Alaska Coastal

1 Management Plan, which previously included the North  
2 Slope Borough's Coastal Management Plan, have been  
3 critical to the success of our programs.

4                   However, for reasons that we do not  
5 understand, two years ago the state of Alaska chose to  
6 ignore its own record of success in working with our  
7 community and rewrote the ACMP, in fact -- in effect,  
8 to centralize coastal zone decisions by removing all  
9 meaningful opportunities for local district, including  
10 North Slope, participation in coastal management  
11 decision-making.

12                   By closing off opportunities for local  
13 involvement, as the new ACMP does, the state undermines  
14 our industry-community cooperative efforts and  
15 increases the environmental and human risks of arctic  
16 oil and gas development.

17                   Our community's ability to participate  
18 in joint project review under the CZMA and the former  
19 ACMP has never resulted in the unnecessary delay of a  
20 project. What it has done, just as Congress intended,  
21 is enable us to communicate to state agencies and  
22 developers potential hazards that we can see, because  
23 of our knowledge of the arctic environment.

24                   In fact, I know of only one instance, a  
25 few years ago, where a North Slope project was held up

1 and ultimately disapproved under the ACMP. In that  
2 case, an operator planned to drill from an ice island  
3 and to store oil in drums on the island if they found  
4 oil. The federal and state agencies saw no hazard in  
5 this plan and were prepared to approve it. However, in  
6 consistency review, the North Slope Borough and the  
7 AEWC were able to demonstrate to state officials the  
8 danger of this project, which was to be located near  
9 the shear ice zone where the circulating ice pack and  
10 the shore-fast ice meet.

11               Had the operator gone ahead with this  
12 project, it could have had serious environmental  
13 consequences and could well have endangered the lives  
14 of those who would have worked on the ice island.

15               A different operator later applied to  
16 drill at the same site, using a bottom-founded drilling  
17 structure. The North Slope Borough and the AEWC felt  
18 that this structure would be able to withstand the  
19 pressures of the shear ice zone and no consistency  
20 questions were raised.

21               This incident provides a perfect  
22 illustration of our community's approach to consistency  
23 review. For us, the purpose of consistency review is  
24 to ensure the safety and environmental integrity of a  
25 project.

1                   Without the opportunity for local  
2 participation in the consistency review process, the  
3 state closes itself off from critical local knowledge,  
4 including this type of critical environmental and  
5 safety information.

6                   In its EIS, OCRM must evaluate the  
7 environmental and human consequences of the state's  
8 decision, in effect, to close off local input by  
9 centralizing decision-making on matters affecting the  
10 coastal zone.

11                  The second set of issues OCRM must  
12 evaluate includes the environmental and human  
13 consequences of the state's actions in passing a  
14 coastal management plan that ignores environmental  
15 protections created by Congress in the CZMA and other  
16 federal laws.

17                  Congress recognizes how critical  
18 subsistence hunting is to our people. This is why the  
19 Marine Mammal Protection Act includes an exemption for  
20 native Alaskans. This is why the federal government has  
21 as entrusted the AEWC with local management of the  
22 bowhead subsistence hunt, through our cooperative  
23 agreement with NOAA. This is why Congress set  
24 standards in the MMPA for protecting our marine mammal  
25 subsistence hunting from the adverse effects of

1 offshore oil and gas activities.

2                   In addition, as noted above, when  
3 Congress enacted the Coastal Zone Management Act, it  
4 also had the special needs of our community and other  
5 local communities in mind.

6                   Each of our programs has a specific  
7 purpose. The AEWC's cooperative agreement with NOAA  
8 stems from the Alaska Native Exemption to the MMPA's  
9 moratorium on taking marine mammals. Under this  
10 cooperative agreement, the AEWC manages the bowhead  
11 hunt, including how the hunt is conducted and how many  
12 whales are taken by each village. In addition, the  
13 AEWC sponsors research on the health and structure of  
14 our bowhead stock.

15                   Under Section 101(a)(5) of the Marine  
16 Mammal Protection Act, the AEWC enters conflict  
17 avoidance agreements with operators, after their  
18 activities have been permitted. Through these  
19 agreements, we coordinate subsistence hunting and  
20 industrial activities to help ensure that everyone who  
21 is using the ocean during the open water season can do  
22 their jobs as effectively and efficiently as possible.

23                   At the initiation of a project,  
24 however, our community's principal opportunity for  
25 input on project siting and on water and air quality



1 issues related to the project is through the North  
2 Slope Borough's coastal management plan and consistency  
3 review.

4                   Today our community and our future are  
5 at the mercy of state and federal decisions regarding  
6 North Slope oil and gas development. If these  
7 decisions do not take account of the established life  
8 cycles of the arctic wildlife and the subsistence  
9 patterns of our community and culture, the purpose  
10 behind these other federal statues will be lost.

11                   We no longer will have subsistence  
12 hunts to manage in cooperation with NOAA and to protect  
13 through private agreements such as conflict avoidance  
14 agreements.

15                   It is unlikely that Congress went to  
16 the effort of directing states to make coordination  
17 with local communities and joint project review a part  
18 of their coastal management plans with the intent that  
19 these requirements be met in name only. And it is  
20 unlikely that Congress acted to protect our native  
21 subsistence culture through the MMPA with the intent  
22 that these protections be undermined by unilateral  
23 state action. But that is exactly what is happening in  
24 Alaska.

25                   In its EIS, OCRM must evaluate the